

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Eva P. Burgess

Post Office Box 764

Kingstree, South Carolina 29556.

File Number 2003-119355

**Default Order Revoking  
All Licensing Privileges**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2004), by the State of South Carolina Department of Insurance upon Eva P. Burgess by both certified mail, return receipt requested, and by regular mail on April 14, 2005.

That letter informed Eva P. Burgess of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. The letter further warned that her failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance producer within the State of South Carolina. **Despite that warning, Eva P. Burgess has failed to respond to the Department's letter.** On June 22, 2005, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance producer within the State of South Carolina for Primerica Life Insurance Company, Eva P. Burgess was convicted of, "Financial Transaction Card Fraud" a crime of moral turpitude.

Section 38-43-130 of the South Carolina Code provides the Director or his designee "may revoke or suspend a producer's license after ten day's notice...when it appears that a producer...has violated this title or any regulation promulgated by the department, or has been convicted of a crime involving moral turpitude. Section 38-43-107 provides that, "the producer shall notify the department within thirty days of any change in legal name or business mailing and residence street address.

In accordance with my findings of fact, and considering Eva P. Burgess's failure to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that Eva P. Burgess violated S.C. Code Ann. § 38-43-130 (A) that her resident insurance producer's license should be revoked.


This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to

limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(3) (Supp. 2000).

It is, therefore, ordered that the license of Eva P. Burgess to do business as a resident insurance producer within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Eva P. Burgess is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance producer within the State of South Carolina.

This order becomes effective as of the date of my signature below.

  
Eleanor Kitzman  
Director

June 24, 2005 at  
Columbia, South Carolina

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Eva P. Burgess

Post Office Box 764  
Kingstree, South Carolina 29556

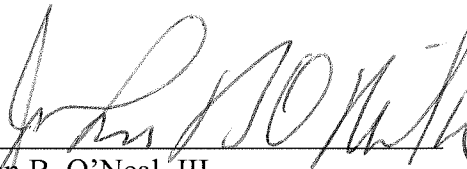
SCDOI File Number 2003-119355

**Affidavit of Default**

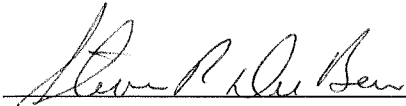
Personally appeared before me John B. O'Neal, III, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

The Department served notice on Eva P. Burgess at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke her license to act as a resident insurance producer within the State of South Carolina in thirty days. The Department served that notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2004), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That letter further notified Eva P. Burgess of her opportunity, within thirty days, to request in writing a public hearing.

The Department mailed the notice concerning the right to a hearing by certified mail, return receipt requested, and by regular mail, on or about April 14, 2005. Neither letter nor the return receipt, were returned by the United States Postal Service. Eva P. Burgess has made no request for a public hearing or any other response to the notice. The time in which to do so has expired. She is now in default.

  
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John B. O'Neal, III  
Associate General Counsel

Sworn to and subscribed before me  
this 24 day of June, 2005

  
\_\_\_\_\_  
Steven R. DuBois

Notary Public for the State of South Carolina  
My Commission Expires: May 10, 2009

South Carolina Department of Insurance  
Post Office Box 100105  
Columbia, South Carolina 29202  
(803) 737-6132